



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

June 19, 2007

8:30 A.M. ROLL CALL

Invocation by Pastor Jim McAllister from Harmony Free Will Baptist Church

Pledge of Allegiance to the Flag

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.
PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Ceremonial Presentations:

Acknowledging Fresno Area Express Employee Gerald Shepherd who participated in the 2007 APTA International Rodeo in Nashville, Tennessee held on May 6, 2007 – Fresno Area Express

Proclamation of "CATHERINE MORISON REHART DAY" – Councilmember Calhoun

Proclamation of "ESA/LOVE INC DAY" – Mayor Autry and All Councilmembers

Approve minutes of June 7 and June 12, 2007

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken: **Made**

Approve Agenda

Action Taken: **Approved as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. CONSENT CALENDAR

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

A. Documents pertaining to Fresno Landscaping and Lighting Maintenance District No. 1

- 1. RESOLUTION** - Initiate proceedings to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (City wide) – Public Works Dept.
- 2. RESOLUTION** – Declare intent to levy and collect the annual assessment for Landscaping and Lighting Maintenance District No. 1

Action Taken: **Discussed and tabled one week**

B. Consideration of proposed McKinley-Brawley No. 4 Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 41.89 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (*Property located in District 3*) – Planning and Development Dept.

- 1.** Affirm the action of the City Council of April 18, 2006, in adopting the environmental finding of Environmental Assessment No. R-05-57/T-5587 dated December 28, 2005, resulting in a mitigated negative declaration
- 2. RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed McKinley-Brawley No. 4 Reorganization

Action Taken: **Resolution No. 2007-208**

C. * Authorize the Director of Public Utilities to negotiate and sign a Reimbursement Agreement with Fresno Metropolitan Flood Control District for installation of canal intertie connection and master plan storm drain facilities and re-designation of basin "BM" from recreation to groundwater recharge – Dept. of Public Utilities

Action Taken: **Authorized**

1. **CONSENT CALENDAR CONTINUED**

- D. * Award a construction contract in the amount of \$233,740 to A-C Electric Company for the installation of new traffic signal facilities at the intersection of Palm and Weldon Avenues (*Property located in District 1*) – Public Works Dept.
Action Taken: Awarded
- E. * **RESOLUTION** - Certifying public uses upon acceptance of surplus California Department of Transportation properties to construct a park east of Chestnut Avenue and south of Freeway 180 (*Property located in District 7*) – Public Works Dept.
Action Taken: Resolution No. 2007-209 adopted
- F. * Award a construction contract in the amount of \$210,090 to A-C Electric Company for the installation of new traffic signal facilities at the intersection of McKinley and Echo Avenues (*Property located in District 1*) – Public Works Dept.
Action Taken: Awarded
- G. * Authorize the lease purchase of a fire truck for truck company at Station 13 and two (2) brush rigs through the City's Master Lease Agreement – Fire Department
Action Taken: Authorized
1. * **RESOLUTION** – 70th amendment to AAR No. 2006-253 appropriating \$500,000 to the Safety Facility Capital Fund (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2007-210 adopted
- H. * Authorization for payment to the Local Area Formation Commission of Fresno County in the amount of \$7,500 for the review of the proposed municipal water district plan of service – Dept. of Public Utilities
Action Taken: Authorized
- I. * Approve Side Letter of Agreement with Amalgamated Transit Union, Local 1027 (ATU), Unit 06, regarding additional holiday services – Personnel Services Dept.
Action Taken: Approved
- J. **RESOLUTION** - To authorize amendment of statement of covenants affecting land development to provide the five percent open space required by the Roosevelt Community Plan for Vesting Tentative Tract Map No. 4957 – Planning and Development Dept.
Action Taken: Resolution No. 2007-211
- K. **BILL - (For introduction)** - Amending Section 6, Article 19 of the Fresno Municipal Code relating to the Tow Car Ordinance and amendment of outdated provisions – Police Department
Action Taken: Bill No. B-50 introduced/laid over

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:05 A.M.

GENERAL ADMINISTRATION

- A. Report on Code Streamlining Project (City Attorney's Office)
 - 1. **BILL - (For introduction)** - To direct republication of the Fresno Municipal Code to reformat Fresno Municipal Code for purposes of code streamlining
Action Taken: Bill No. B-51 introduced/laid over
 - 2. **BILL - (For introduction)** - To repeal and add Chapters 1 and 2 to the Fresno Municipal Code related to code streamlining
Action Taken: Bill No. B-52 introduced/laid over
- B. Presentation from ASTONE regarding City publicity - City Manager's Office – **Presentation made**
- C. **BILL – (For introduction)** – Amending the Fresno Municipal Code, Chapter 11, Article 10 restricting camping and storage of personal property – City Manager's Office
Action Taken: Bill No. B-53 introduced/laid over

9:30 A.M.

CITY COUNCIL

- A. Council discussion and direction regarding a process for granting the naming rights of City of Fresno owned community facilities for the purpose of securing facility revenue – Councilmember Calhoun
Action Taken: Staff directed to report back
- B. **BILL – (For introduction)** - Consideration of amendment to Fresno Municipal Code Section 7-546(1) eliminating wager limits for Texas Hold-em – Councilmember Dages
Action Taken: Bill No. B-54 introduced/laid over
- C. **RESOLUTION** – In support of health insurance for all Californians – President Perea
Action Taken: Resolution No. 2007-212 adopted
- D. **RESOLUTION** - Supporting the 2007-2008 state budget funding for the California High-Speed Rail Authority so it may continue its preliminary engineering and other advance work in preparation for construction of a High-Speed Rail System in California - President Perea
Action Taken: Resolution No. 2007-213 adopted

- 10:15 A.M. * RESOLUTION** - Certifying Environmental Impact Report No. 10137 and the awarding of a contract subsequent to RFP File No. 8821 for the removal, processing and beneficial reuse or disposal of biosolids with optional extensions to Liberty Composting, Inc. a subsidiary of McCarthy Family Farms, Inc. – Department of Public Utilities
Action Taken: Continued to 6/26/2007 at 9:50 a.m.

- 10:30 A.M. HEARING** to consider Rezone Application No. R-06-56, and environmental findings, filed by Cencal Holdings, LLC, pertaining to approximately 18.6 acres of property located on the south side of W. Whitesbridge Avenue between S. Brawley and S. Valentine Avenues (**Property located in District**) - Planning and Development Department

Action Taken: Held

- 1. Consider and adopt Environmental Assessment No. R-06-56/T-5754, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
Action Taken: Adopted
- 2. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20 (*Exclusive Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken: Bill No. B-55/Ordinance No. 2007-51 adopted

June 19, 2007

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:45 A.M. WORKSHOP** regarding Community Choice Aggregation Program – Department of Public Utilities
- a. Presentation by Kings River Conservation District
 - b. Presentation by PG&E
- Workshop held; presentations made**

11:00A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of June 12, 2007

Action Taken: **Approved**

- A. RESOLUTION** - Approval of reimbursement resolution for improvements to Cultural Arts District infrastructure and funding for the Metropolitan Museum **(Council and Agency action)** – City Manager's Office
- Action Taken:** **Discussed and continued one week so the Museum can provide more details on loan request**

ADJOURN AGENCY

2:00 P.M. #1 CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
- 1. **Case Name:** City of Fresno v. Board of Trustees of the California State University, et al. Superior Court Case No. 07CECG01148
- Action Taken:** **Laid over one week**

- 2:00 P.M. #2 CONTINUED** consideration of Fiscal Year 2008 Budget- Adoption of budget motions
- Action Taken:** **See minutes**

THE CITY COUNCIL MEETING IS RECESSED TO THURSDAY, JUNE 21 @ 2:00 P.M.

SCHEDULED COUNCIL HEARINGS AND MATTERS

June	21 – (Thurs) 2:00 P.M	ADOPTION OF FY 07-08 BUDGET
June	26 - 10:00 A.M.	HEARING re: to consider formation of Underground Utility District FRE-85
June	26 - 10:05 A.M.	HEARING re: Street Name Change 2007-02
June	26 - 10:10 A.M.	HEARING re: Street Name Change 2007-03
June	26 - 10:15 A.M.	HEARING re: ordering the vacation of all street, pedestrian, and utility easements in the area known as Funston Place <i>(Located in District 7)</i>
June	26 - 10:30 A.M.	HEARING re: Herndon Townsite – Planning & Development
June	26 - 10:45 A.M.	CONTINUED HEARING re: regarding CFD No. 11, Annexation No. 17 (Final Tract Map No. 5730) (Located in District 2)
June	26 - 11:00 A.M.	Presentation regarding general waste discharge requirement update - Dept. of Public Utilities/Sewer Maintenance
June	26 - 2:00 P.M.	HEARING re: CUP No. 01-209, to eliminate parking on Spruce between Blackstone Ave and Abby Street – Public Works Department
June	26 - 2:15 P.M.	HEARING re: to consider Rezone App. No. R-04-44, filed by Bonadelle Homes, Inc.
June	26 - 2:30 P.M.	HEARING Alternative building standards – Planning and Dev. Dept.
June	26 - 2:40 P.M.	TEFRA HEARING to consider the acquisition and construction of a 70-unit multi-family residential rental project, commonly known as Yosemite Village
June	26 - 2:50 P.M.	TEFRA HEARING to consider the acquisition and construction of two multifamily residential rental projects, commonly known as Elm Crossings
July	3 -	NO MEETING – COUNCIL VACATION
July	10 -	NO MEETING - COUNCIL VACATION

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED			
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July	17 -	10:00 A.M.	HEARING re: Resolution of Intention to annex Final Tract No. 5589 as Annexation No. 18 to CFD No. 11 (Located in District 1) – Public Works Dept.
July	17 -	10:15 A.M.	HEARING re: altering the maximum special tax for CFD No. 2, Annexation No. 81 and 82 (Final Tract Map Nos. 5258 and 5295) – Public Works Department
July	17 -	10:30 A.M.#1	JOINT RDA HEARING - Five Year Implementation Plan for the Roeding Business Park
July	17 -	10:30 A.M.#2	HEARING re: Belair Motel
July	17 -	11:00 A.M.	
July	24 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (Reception immediately following – 2nd floor foyer)
July	24 -	10:00 A.M.	HEARING to rescind and replace Resolution Nos. 2002-298, 2002-299 and 2002-300, which ordered the vacation of various streets and alleys between Illinois Ave. and McKenzie Ave. west of Fresno Street to accommodate the continuing expansion of the Regional medical Center (Located in District No. 3) – R.I. 1061-D
July	31 -	10:00 A.M.	HEARING re: Lighting Maintenance District (City wide) – Public Works Department
Aug.	7-		NO MEETING – COUNCIL VACATION
Aug.	14-		NO MEETING - COUNCIL VACATION
Aug.	21 -	10:00 A.M.	WORKSHOP re: update on change in governance structure in the Dept. of Public Utilities